

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LEE LOEW,

Plaintiff,

v.

**Civil Action 2:19-cv-5242
Judge James L. Graham
Magistrate Judge Jolson**

REGRET INC., et al.,

Defendants.

ORDER

On May 10, 2021, Plaintiff filed a Motion for Order to Show Cause requiring Defendants' witness Garth Stanley to show cause why he should not be held in contempt for failing to attend two previously scheduled depositions. (Doc. 79). The Court granted Plaintiff's Motion and scheduled a Show Cause Hearing for June 2, 2021. (Docs. 81, 82). After Mr. Stanley failed to appear, the Undersigned issued a Report and Recommendation ("R&R") recommending Mr. Stanley be held in contempt if he failed to comply with the subpoena within seven (7) days. (Doc. 88). The parties ultimately learned that Mr. Stanley is currently incarcerated in Licking County Justice Center, explaining his repeated absences. (Doc. 90). Upon learning this, Plaintiff filed an unopposed Motion to Depose Incarcerated Witness pursuant to Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure. (Doc. 92). The Court granted Plaintiff's Motion. (Doc. 93).

In his recent Status Report, Plaintiff represents that "Mr. Stanley has [now] been deposed, [so] Plaintiff does not intend to further pursue [it's Motion for Order to Show Cause] or any contempt sanctions." (Doc. 94). Accordingly, the previously issued R&R (Doc. 88) is hereby **WITHDRAWN**.

IT IS SO ORDERED.

Date: July 1, 2021

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE